

CHAPTER NO. 447

SENATE BILL NO. 714

By Haynes

Substituted for: House Bill No. 1078

By Sherry Jones

AN ACT To amend Tennessee Code Annotated, Title 6, Chapter 54, Part 1, relative to criminal history records checks of applicants seeking a license to operate any vehicle for hire or those persons employed by a local government to provide transportation services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 6, Chapter 54, Part 1, is amended by adding the following new numbered section:

(a) It is hereby declared that access to criminal conviction histories by municipalities that choose to license and regulate persons operating vehicles for hire or choose to employ persons to transport members of the public and further choose to disqualify an applicant for a license or a permit or refuse to hire a person because of a conviction for any specified criminal serves a law enforcement purpose. Municipalities that choose to license and regulate persons operating vehicles for hire or choose to employ persons to transport members of the public and further choose to disqualify an applicant for a license or a permit or refuse to hire a person because of a conviction for any specified criminal shall require that all applicants for a license or permit to operate a vehicle for hire or employ persons to transport citizens submit a full set of fingerprints and undergo a criminal conviction records investigation through the political subdivision, the Tennessee Bureau of Investigation or the Federal Bureau of Investigation in accordance with the provisions of subsection (b).

(b) Upon receipt of an application, the municipality shall:

(1) Conduct a criminal conviction record investigation through computer terminals or other means of access to criminal convictions maintained by the municipality, the Tennessee Bureau of Investigation and the Federal Bureau of Investigation; and

(2) Forward the applicant's fingerprints to the Tennessee Bureau of Investigation which shall verify the identity of the applicant and conduct a criminal conviction record investigation and forward the results of that investigation to the requesting entity.

(3) If no disqualifying record is identified at the political subdivision or state level, the Tennessee Bureau of Investigation shall forward the fingerprints to the Federal Bureau of Investigation for verification of the applicant's identity and the Federal Bureau of Investigation shall conduct a criminal conviction record investigation using the fingerprints.

(4) The results of criminal conviction record investigations shall be used for the limited purpose to determine the suitability of the

applicant for issuance of the license or permit or the suitability of the person for employment with the municipality.

(c) Fingerprints shall be submitted on authorized fingerprint cards or by electronic, machine-readable data, or other suitable technological means.

(d) Any cost incurred in conducting such criminal conviction records investigations shall be paid by the governmental entity making the request. Governmental entities may include such cost as part of any fee charged for the processing of the applicant's license or permit.

SECTION 2. The provisions of this act shall only apply in counties having a metropolitan form of government and a population in excess of one hundred thousand (100,000) according to the 1990 federal census of population or any subsequent federal census and in counties having a population of not less than eight hundred twenty-five thousand (825,000) nor more than eight hundred thirty thousand (830,000) according to the 1990 federal census of population or any subsequent federal census.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 28, 1999


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 17th day of June 1999


DON SUNDQUIST, GOVERNOR